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October 7, 2024

VIA ECF

Hon. Victoria Reznik  
United States Magistrate Judge  
U.S. District Court for the Southern District of New York  
The Hon. Charles L. Brieant Jr. Federal Building and Courthouse  
300 Quarropas Street  
White Plains, NY 10601-4150

Re: *The Wave Studio, LLC v. Citibank N.A. et al.*; Case No. 7:22-cv-05141 (CS)  
(Designated as Member Case of the Lead Case *The Wave Studio, LLC v. General Hotel Management Ltd., et al.*; Case No. 7:13-cv-09239 (CS) (VR))

Dear Judge Reznik:

We represent named Defendants Emerging Travel, Inc; Emerging Travel, Inc. dba as Rate Hawk; and Emerging Travel, Inc. dba as Zen Hotels (collectively the “Emerging Travel Group” or “ETG”) in the above referenced case.

In response to the Court’s September 23, 2024 Memo Endorsement (DE 390) directing the individual Defendants to submit a letter to the Court (individually or jointly) stating whether they intend to serve a Supplemental Memorandum of Law, which would accompany Defendants’ Omnibus Motion to be served by November 15, 2024, or stating whether they cannot commit to a decision by October 7, 2024, ETG responds that it cannot commit to a decision by October 7, 2024.

Further, if ETG does not serve a Supplemental Memorandum, consistent with Court’s September 5, 2024 Order, ETG preserves and expressly refrains from waiving its rights to assert all claims or defenses. *See* Dkt. No. 384, § 2(b) (“Defendants who elect not to file Rule 12 motions on the threshold issues . . . do not waive their right to assert any claims or defenses later in the normal course of the case, and in accordance with the Federal Rules.”)

Respectfully submitted,

/s/ John A. Bauer  
John A. Bauer